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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,707	09/30/2003	Zu-Sheng Yu	8042-7	6328

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EXAMINER

VU, STEPHEN A

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,707

Applicant(s)

YU, ZU-SHENG

Examiner

Stephen A Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Claim Objections***

Claims 4-6 are objected to because of the following informalities: the applicant has defined the chair as having armrests (two armrests) in claim 1. In claims 4-6, applicant has stated "the armrest". The examiner is unclear if the applicant refers to both armrests or only one armrest. If the applicant's intent is for only one armrest, then it is suggested that the claims be revised to state "one of the armrests". If the applicant's intent is for both armrests, the revision should then be to make the "armrest" plural with "armrests". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2-3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With claim 2, it is unclear whether applicant is claiming "audiovisual devices" in combination with a chair. The preceding claim does not specifically claim audiovisual devices, e.g., "for housing a plurality of audiovisual devices" as recited in claim 1, line 5, but in claim 2, there appears to be a positive recital of structure (lines 1-2, "audiovisual devices comprise at least two of a CD/DVD player, a radio, a TV, and speakers") indicating that the audiovisual devices are possibly being claimed in combination with the chair. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with the applicant's intent.

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Claim 10 recites the limitation "the seat" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by May et al (#6,102,476).

May et al show a chair comprising a frame having a seat base (11), a backrest (13), a footrest (47), a plurality of compartments (16,17), and a plurality of speakers (40). The phrase "for housing a plurality of entertainment . . . video program" is considered to be functional recitation and therefore, does not carry any patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al (#6,102,476).

The examiner has taken the position that the audiovisual devices are not positively being claimed in combination with the chair.

May et al shows a chair comprising a frame having a seat base (14), armrests (16,17), a footrest (47), a backrest (12), wherein the armrests have compartments (see Figure 1 and col. 3, line 4). May et al disclose the claimed invention except for only one wheel (see col. 3, line 44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide more than one wheel, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 1 above, and further in view of Tang et al (#5,684,365).

May et al disclose two of the audiovisual devices as speakers (40) disposed within the backrest and a computer monitor (44) except that the monitor is not a TV.

Tang et al teach that a flat-panel LCD TV is well known in the art, which can be used for

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both TV viewing and computer viewing while also saving desktop space (see col. 1, lines 20-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flat-panel LCD TV as taught by Tang et al in lieu of the monitor (44) of May et al's invention, in order to allow the user to watch TV and also use the computer at one's convenience, while also saving space on the platform (41).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 1 above, and further in view of Dickerson et al (#6,412,862).

May et al disclose the claimed invention except for one of the armrests to have a table that is pivoted on a plane horizontal to the armrest. Dickerson et al teach a table (70) supported on an armrest (84), that is free to rotate in a horizontal plane to the armrest (see abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to install Dickerson et al's table on one of the armrests (16,17) of May et al's chair, in order to provide an additional work platform for the user to place miscellaneous items on or use it as a writing tablet.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 1 above, and further in view of Klemm (#1,659,572).

May et al disclose the claimed invention except for one of the armrests to have a lamp. Klemm teaches a chair comprising a lamp (16) on an armrest (see Figure 1) in order to provide sufficient lighting to the user, while the user is writing or reading. It would have been obvious to a person of ordinary skill in the art at the time the invention

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was made to incorporate Klemm's lamp (16) on one of the armrests (16,17) of May et al's chair, in order to provide sufficient lighting to the user, while he's working.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 1 above, and further in view of Taylor and Loudenslager.

May et al disclose the claimed invention except for one of the armrests to have a CD/DVD rack and a magazine rack. Taylor teaches a magazine rack mounted to a side of an armrest for holding magazines, papers, newspapers, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made mount Taylor's magazine rack to the side of one of the armrests of May et al's chair, in order to provide a rack for the user to conveniently store miscellaneous documents, papers, etc within one's reach.

Furthermore, Loudenslager teaches the top surface (24) of a computer tower to have CD/DVD racks (36) for holding CD/DVD medias. It would have been obvious to one of ordinary skill in the art at the time the invention was made to design one of the armrests of May et al's chair to have CD/DVD racks on the top surface of one of the armrest of the chair as taught by Loudenslager, in order to hold CD/DVD medias.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 1 above, and further in view of Koichi Sugiura et al (#3,515,434).

May et al disclose the claimed invention except for the chair to have a headrest retractably connected on the backrest using extendible rods.

Koichi Sugiura et al disclose a prior art (see Figure 1) that has a headrest (51) retractably connected on the backrest with extendible rods (9). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to incorporate a headrest (51) with extendible rods as disclosed by the prior art in Koichi Sugiura et al's patent into the backrest of May et al's chair, in order to provide a headrest support assembly to comfort the user's head.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 9 above, and further in view of Goodall et al.

May et al disclose the claimed invention except for the chair to have a seat rotating plate disposed below the frame and the seat rotating plate axially rotatable with a plurality of wheels. Goodall et al teach a chair (16) with a movable seat arrangement having a base plate (11) and wheels(13), wherein the base plate is rotatable about the carriage (9) (see col. 1, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention to construct the May et al's chair with a movable seat arrangement (as shown in Figures 1-5) as taught by Goodall et al, wherein the base feet on May et al's chair would be replaced with a base plate (11) to support the frame. The base plate would be rotatable supported on carriage (9) via wheels (13). This modification would allow the user to rotate the chair in a circular fashion to position the user to his or her preference in the room.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 9 above, and further in view of Dickerson et al (#6,412,862).

May et al disclose the claimed invention except for one of the armrests to have a table that is pivoted on a plane horizontal to the armrest. Dickerson et al teach a table (70) supported on an armrest (84), that is free to rotate in a horizontal plane to the

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armrest (see abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to install Dickerson et al's table on one of the armrests (16,17) of May et al's chair, in order to provide an additional work platform for the user to place miscellaneous items on or use it as a writing tablet.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al and Dickerson et al as applied to claims 9 and 12 above, and further in view of Klemm (#1,659,572).

May et al disclose the claimed invention except for one of the armrests to have a lamp. Klemm teaches a chair comprising a lamp (16) on an armrest (see Figure 1) in order to provide sufficient lighting to the user, while the user is writing or reading. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Klemm's lamp (16) on one of the armrests (16,17) of May et al's chair, in order to provide sufficient lighting to the user, while he's working.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al and Dickerson et al as applied to claims 9 and 12 above, and further in view of Taylor and Loudenslager.

May et al disclose the claimed invention except for one of the armrests to have a CD/DVD rack and a magazine rack. Taylor teaches a magazine rack mounted to a side of an armrest for holding magazines, papers, newspapers, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made mount Taylor's magazine rack to the side of one of the armrests of May et al's chair, in order to

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provide a rack for the user to conveniently store miscellaneous documents, papers, etc within one's reach.

Furthermore, Loudenslager teaches the top surface (24) of a computer tower to have CD/DVD racks (36) for holding CD/DVD medias. It would have been obvious to one of ordinary skill in the art at the time the invention was made to design one of the armrests of May et al's chair to have CD/DVD racks on the top surface of the armrest of the chair as taught by Loudenslager, in order to hold CD/DVD medias.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al as applied to claim 9 above, and further in view of Koichi Sugiura et al (#3,515,434).

May et al disclose the claimed invention except for the chair to have a headrest retractably connected on the backrest using extendible rods.

Koichi Sugiura et al disclose a prior art (see Figure 1) that has a headrest (51) retractably connected on the backrest with extendible rods (9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a headrest (51) with extendible rods as disclosed by the prior art in Koichi Sugiura et al's patent into the backrest of May et al's chair, in order to provide a headrest support assembly to comfort the user's head.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yashui, Henry, Kanda, Riday, Daniel, and Maddox are cited as showing similar types of chair.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu
July 21, 2004